

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL MARR,

Plaintiff,

CIVIL CASE NO. 07-10931

v.

CITY OF DETROIT, et al.,

HONORABLE STEPHEN J. MURPHY, III

Defendants.

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**ORDER OVERRULING THE PLAINTIFF'S  
OBJECTIONS TO THE MAGISTRATE JUDGE'S ORDER**

The plaintiff filed objections Magistrate Judge Pepe's August 27, 2008 order denying the plaintiff's motions to compel and the plaintiff's motion to hold in abeyance.

Nondispositive orders issued by a magistrate judge are governed by the terms of 28 U.S.C. § 636(b)(1)(A). This section states: "A judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A). Rule 72(a) of the Federal Rules of Civil Procedure further provides:

When a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision. A party may serve and file objections to the order within 10 days after being served with a copy. A party may not assign as error a defect in the order not timely objected to. The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.

Fed. R. Civ. P. 72(a). "A finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *United States v. Mabry*, 518 F.3d 442, 449

(6th Cir. 2008) (quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)). Here, the magistrate judge's order is a nondispositive order. See E.D. Mich. LR 7.1. Thus, the Court reviews the order in order to determine whether any portion of the order objected to by the parties is "clearly erroneous" or "contrary to law." 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a).

The Court has reviewed the relevant portions of the record, including the magistrate judge's order and the plaintiff's objections. After this review, the Court finds that the order of the magistrate judge is neither clearly erroneous nor contrary to law. The magistrate judge correctly found that the plaintiff's motions to compel were a repeated attempt to expand discovery and that the plaintiff had provided no new argument or reason to support this expansion of discovery. Furthermore, the magistrate judge correctly found that the plaintiff had failed to show that an abeyance was necessary and that the hospital records were required for his case.

**ACCORDINGLY, IT IS HEREBY ORDERED** that the plaintiff's objections [docket entry #66] to the magistrate judge's August 27, 2008 order are **OVERRULED**.

**SO ORDERED.**

s/Stephen J. Murphy, III  
STEPHEN J. MURPHY, III  
United States District Judge

Dated: January 15, 2009

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 15, 2009, by electronic and/or ordinary mail.

s/Alissa Greer  
Case Manager